IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.87 OF 2005
IN
SECOND APPEAL NO.57 OF 2005

Madivallappa Mallappa Khyade .. Applicant
Versus
Shanrappa Mallappa Khyade & ors... Respondents

P.R.Arjunwadkar for applicant
Mr.T.D.Deshmukh for respondent Nos.1 and 2.

CORAM : P.V.KAKADE, J.

DATE : 26TH AUGUST, 2005

P.C.:

1. Heard both sides.

2. The second appeal is already admitted wherein ad-interim order issuing status-quo is being made. The suit is for partition and the appellate court had allowed the appeal and set aside the order of dismissal of the suit and decreed the suit. In view of the facts and circumstances, therefore,no temporary injunction pending the appeal can be granted and it is necessary to protect the position as on today. In view of this aspect, the parties are hereby directed to maintain

status-quo with regard to the suit property as on today. With this direction the application stands disposed of with no order as to costs.

3. It is clarified that the process of partition ma be proceeded with except for physical partition of respective shares by metes and bounds.